



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m.  
A quorum present—40:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

## PRAYER

The following prayer was offered by Chief Bobby Johns Bearheart, Perdido Bay Tribe of Lower Muscogee Creek Indians, Pensacola:

God grant these devoted legislators, and the adjoining house, the strength of the eagle's wings, the faith and courage to fly to new heights, and the wisdom to rely on his spirit to carry them through the challenges they are charged with.

Almighty God, He-sa-ke-tv-me-see, Master Giver and Taker of Breath, illuminate their path as they seek justice for the people with dignity. Hear our prayer and evermore. Amen.

## PLEDGE

Senate Pages Tucker O'Neill of Ocala; Brad Webster of Winter Haven; Dylan Brandenburg of North Palm Beach; Jordan Lulich of Sebastian; and Dominique McCloud of Miami, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Steven Kailes of Jacksonville, sponsored by Senator Wise, as doctor of the day. Dr. Kailes specializes in Emergency Medicine.

## BILLS ON THIRD READING

**CS for SJR 958**—A joint resolution proposing an amendment to Section 1 of Article VII and the creation of Section 19 of Article VII and Section 32 of Article XII of the State Constitution to replace the existing state revenue limitation with a new state revenue limitation based on inflation and population changes.

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to Section 1 of Article VII and the creation of Section 19 of Article VII and Section 32 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE VII

### FINANCE AND TAXATION

**SECTION 1.** Taxation; appropriations; state expenses; ~~state revenue limitation.~~—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

~~(e) Except as provided herein, state revenues collected for any fiscal year shall be limited to state revenues allowed under this subsection for the prior fiscal year plus an adjustment for growth. As used in this subsection, "growth" means an amount equal to the average annual rate of growth in Florida personal income over the most recent twenty quarters times the state revenues allowed under this subsection for the prior fiscal year. For the 1995-1996 fiscal year, the state revenues allowed under this subsection for the prior fiscal year shall equal the state revenues collected for the 1994-1995 fiscal year. Florida personal income shall be determined by the legislature, from information available from the United States Department of Commerce or its successor on the first day of February prior to the beginning of the fiscal year. State revenues collected for any fiscal year in excess of this limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be refunded to taxpayers as provided by general law. State revenues allowed under this subsection for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature in a separate bill that contains no other subject and that sets forth the dollar amount by which the state revenues allowed will be increased. The vote may not be taken less than seventy-two hours after the third reading of the bill. For purposes of this subsection, "state revenues"~~

~~means taxes, fees, licenses, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund elective expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund; balances carried forward from prior fiscal years; taxes, licenses, fees, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, licenses, fees, and charges for services required to be imposed by any amendment or revision to this constitution after July 1, 1994. An adjustment to the revenue limitation shall be made by general law to reflect the fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government. The legislature shall, by general law, prescribe procedures necessary to administer this subsection.~~

#### SECTION 19. State revenue limitation.—

(a) **STATE REVENUE LIMITATION.**—Except as provided in this section, state revenues collected in any fiscal year are limited as follows:

(1) For the 2014-2015 fiscal year, state revenues are limited to an amount equal to the state revenues collected during the 2013-2014 fiscal year multiplied by the sum of the adjustment for growth plus four one-hundredths.

(2) For the 2015-2016 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2014-2015 multiplied by the sum of the adjustment for growth plus three one-hundredths.

(3) For the 2016-2017 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2015-2016 multiplied by the sum of the adjustment for growth plus two one-hundredths.

(4) For the 2017-2018 fiscal year, state revenues are limited to an amount equal to the state revenue limitation for fiscal year 2016-2017 multiplied by the sum of the adjustment for growth plus one one-hundredth.

(5) For the 2018-2019 fiscal year and thereafter, state revenues are limited to an amount equal to the state revenue limitation for the previous fiscal year multiplied by the adjustment for growth.

(6) The adjustment for growth for a fiscal year shall be determined by March 1 preceding the fiscal year using the latest information available. Once the adjustment for growth is determined for a fiscal year, it may not be changed based on revisions to the information used to make the determination.

(b) **REVENUES IN EXCESS OF THE LIMITATION.**—State revenues collected in any fiscal year in excess of the revenue limitation shall be transferred to the budget stabilization fund until the fund reaches the maximum balance specified in Section 19(g) of Article III, and thereafter shall be used for the support and maintenance of public schools by reducing the minimum financial effort required from school districts for participation in a state-funded education finance program, or, if the minimum financial effort is no longer required, returned to taxpayers as provided by general law.

#### (c) **AUTHORITY OF THE LEGISLATURE TO INCREASE THE REVENUE LIMITATION.**—

(1) The state revenue limitation for any fiscal year may be increased by a two-thirds vote of the membership of each house of the legislature. Unless otherwise provided by the bill increasing the revenue limitation,

the increased revenue limitation enacted under this paragraph shall be used to determine the revenue limitation for future fiscal years.

(2) The state revenue limitation for any one fiscal year may be increased by a three-fifths vote of the membership of each house of the legislature. Increases to the revenue limitation enacted under this paragraph must be disregarded when determining the revenue limitation in subsequent fiscal years.

(3) A bill increasing the revenue limitation may not contain any other subject and must set forth the dollar amount by which the state revenue limitation will be increased. The vote may not be taken less than seventy-two hours after the third reading in either house of the legislature of the bill in the form that will be presented to the governor.

(d) **AUTHORITY OF THE ELECTORS TO INCREASE THE REVENUE LIMITATION.**—The legislature may propose an increase in the state revenue limitation pursuant to a concurrent resolution enacted by a three-fifths vote of the membership of each house. The proposed increase shall be submitted to the electors at the next general election held more than ninety days after the resolution is filed with the custodian of state records. However, the legislature may submit the proposed increase at an earlier special election held more than ninety days after it is filed with the custodian of state records pursuant to a law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature. The resolution must set forth the dollar amount by which the state revenue limitation will be increased. Unless otherwise provided in the resolution, the increased revenue limitation shall be used to determine the revenue limitation for future fiscal years. The proposed increase shall take effect if it is approved by a vote of at least 60 percent of the electors voting on the matter.

(e) **REVENUE LIMIT ADJUSTMENT BY THE LEGISLATURE.**—The legislature shall provide by general law for adjustments to the state revenue limitation to reflect:

(1) The fiscal impact of transfers of responsibility for the funding of governmental functions between the state and other levels of government occurring after May 6, 2011; or

(2) The fiscal impact of a new federal mandate.

(f) **GENERAL LAW IMPLEMENTATION.**—The legislature shall, by general law, prescribe procedures necessary to administer this section.

(g) **DEFINITIONS.**—As used in this section, the term:

(1) "Adjustment for growth" means an amount equal to the average for the previous five years of the product of the inflation factor and the population factor.

(2) "Inflation factor" means an amount equal to one plus the percent change in the calendar year annual average of the Consumer Price Index. The term "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, U.S. city average (not seasonally adjusted, current base for all items), as published by the United States Department of Labor. In the event the index ceases to exist, the legislature shall determine the successor index by general law.

(3) "Population factor" means an amount equal to one plus the percent change in population of the state as of April 1 compared to April 1 of the prior year. For purposes of calculating the annual rate of change in population, the state's official population estimates shall be used.

(4) "State revenues" means taxes, fees, licenses, fines, and charges for services imposed by the legislature on individuals, businesses, or agencies outside state government. However, the term "state revenues" does not include: revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds by the state for bonds issued before July 1, 2012; revenues that are used to provide matching funds for the federal Medicaid program with the exception of the revenues used to support the Public Medical Assistance Trust Fund or its successor program and with the exception of state matching funds used to fund optional expansions made after July 1, 1994; proceeds from the state lottery returned as prizes; receipts of the Florida Hurricane Catastrophe Fund

and Citizens Property Insurance Corporation; receipts of public universities and colleges; balances carried forward from prior fiscal years; taxes, fees, licenses, fines, and charges for services imposed by local, regional, or school district governing bodies; or revenue from taxes, fees, licenses, fines, and charges for services authorized by any amendment or revision to this constitution after May 6, 2011.

## ARTICLE XII

### SCHEDULE

**SECTION 32.** *State revenue limitation.*—The amendment to Section 1 and the creation of Section 19 of Article VII, revising the state revenue limitation, and this section take effect upon approval by the electors and apply beginning in the 2014-2015 state fiscal year.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

ARTICLE VII, SECTIONS 1 and 19

ARTICLE XII, SECTION 32

CONSTITUTIONAL AMENDMENT

**STATE GOVERNMENT REVENUE LIMITATION.**—This proposed amendment to the State Constitution replaces the existing state revenue limitation based on Florida personal income growth with a new state revenue limitation based on inflation and population changes. Under the amendment, state revenues, as defined in the amendment, collected in excess of the revenue limitation must be deposited into the budget stabilization fund until the fund reaches its maximum balance, and thereafter shall be used for the support and maintenance of public schools by reducing the minimum financial effort required from school districts for participation in a state-funded education finance program, or, if the minimum financial effort is no longer required, returned to the taxpayers. The Legislature may increase the state revenue limitation through a bill approved by a super majority vote of each house of the Legislature. The Legislature may also submit a proposed increase in the state revenue limitation to the voters. The Legislature must implement this proposed amendment by general law. The amendment will take effect upon approval by the electors and will first apply to the 2014-2015 state fiscal year.

—was read the third time in full.

On motion by Senator Bogdanoff, **CS for SJR 958** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Fasano	Montford
Alexander	Flores	Negron
Altman	Gaetz	Norman
Benacquisto	Garcia	Oelrich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Simmons
Dean	Jones	Storms
Diaz de la Portilla	Latvala	Thrasher
Evers	Lynn	Wise

Nays—13

Braynon	Joyner	Siplin
Bullard	Margolis	Smith
Detert	Rich	Sobel
Dockery	Ring	
Hill	Sachs	

## SPECIAL GUESTS

Senator Rich recognized former Senator Ron Silver and his daughter, Elaine Hollander, and granddaughter, Kayla, who were present in the gallery.

## TRUST FUND BILLS

**SB 1038**—A bill to be entitled An act relating to trust funds; creating s. 17.67, F.S.; creating the Federal Grants Trust Fund within the Department of Financial Services; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1038** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Bullard	Jones	Siplin
Dean	Joyner	Smith
Detert	Latvala	Sobel
Diaz de la Portilla	Lynn	Storms
Dockery	Margolis	Thrasher
Evers	Montford	Wise

Nays—None

Vote after roll call:

Yea—Simmons

**SB 1040**—A bill to be entitled An act relating to trust funds; amending s. 455.116, F.S.; providing a statutory reference for the trust fund created by the act; creating s. 499.0031, F.S.; creating the Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation; providing for the purpose of the trust fund and sources of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1040** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Flores	Norman
Alexander	Gaetz	Oelrich
Altman	Garcia	Rich
Benacquisto	Gardiner	Richter
Bennett	Hays	Ring
Bogdanoff	Hill	Sachs
Braynon	Jones	Simmons
Bullard	Joyner	Siplin
Dean	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher
Fasano	Negron	Wise

Nays—None

Vote after roll call:

Yea—Detert

**SB 1030**—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Financial Services; providing for the disposition of balances in and revenues of such

trust funds; prescribing procedures for the termination of such trust funds; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1030** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1044**—A bill to be entitled An act relating to trust funds; terminating the International Registration Clearing Trust Fund within the Department of Highway Safety and Motor Vehicles; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for terminating the trust fund; repealing s. 2(4)(a), ch. 2004-235, Laws of Florida, relating to an exemption from termination provided for the trust fund; providing an effective date.

—was read the second time by title. On motions by Senator Gaetz, by two-thirds vote **SB 1044** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1012**—A bill to be entitled An act relating to trust funds; re-creating the State Attorneys Revenue Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.367(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1012** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Altman	Bennett
Alexander	Benacquisto	Bogdanoff

Braynon	Hays	Richter
Bullard	Hill	Ring
Dean	Jones	Sachs
Detert	Joyner	Simmons
Diaz de la Portilla	Latvala	Siplin
Dockery	Lynn	Smith
Evers	Margolis	Sobel
Fasano	Montford	Storms
Flores	Negron	Thrasher
Gaetz	Norman	Wise
Garcia	Oelrich	
Gardiner	Rich	

Nays—None

**SB 1014**—A bill to be entitled An act relating to trust funds; re-creating the Public Defenders Revenue Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.61(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1014** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1016**—A bill to be entitled An act relating to trust funds; re-creating the Indigent Civil Defense Trust Fund within the Justice Administrative Commission without modification; repealing s. 27.5111(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1016** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Altman	Gaetz	Oelrich
Benacquisto	Garcia	Rich
Bennett	Gardiner	Richter
Bogdanoff	Hays	Ring
Braynon	Hill	Sachs
Bullard	Jones	Simmons
Dean	Joyner	Siplin
Detert	Latvala	Smith
Diaz de la Portilla	Lynn	Sobel
Dockery	Margolis	Storms
Evers	Montford	Thrasher

Wise

Nays—None

**SB 1018**—A bill to be entitled An act relating to trust funds; re-creating the State Courts Revenue Trust Fund within the state courts system without modification; repealing s. 29.22(2), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1018** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1020**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Legal Affairs without modification; repealing s. 20.112(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1020** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1022**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Legal Affairs without modification; repealing s. 20.111(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1022** was read the third time by title, passed by the

required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1024**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Juvenile Justice without modification; repealing s. 20.3161(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Fasano, by two-thirds vote **SB 1024** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1026**—A bill to be entitled An act relating to trust funds; re-creating the Operating Trust Fund within the Department of Education without modification; repealing s. 1001.281(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Simmons, by two-thirds vote **SB 1026** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bullard	Flores
Alexander	Dean	Gaetz
Altman	Detert	Garcia
Benacquisto	Diaz de la Portilla	Gardiner
Bennett	Dockery	Hays
Bogdanoff	Evers	Hill
Braynon	Fasano	Jones

Joyner	Oelrich	Smith
Latvala	Rich	Sobel
Lynn	Richter	Storms
Margolis	Ring	Thrasher
Montford	Sachs	Wise
Negron	Simmons	
Norman	Siplin	

Nays—None

**SB 1028**—A bill to be entitled An act relating to trust funds; re-creating the Administrative Trust Fund within the Department of Education without modification; repealing s. 1001.282(4), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Simmons, by two-thirds vote **SB 1028** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1032**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Environmental Protection without modification; repealing s. 20.25501(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1032** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1034**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Revenue without modification; repealing s. 215.197(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1034** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1036**—A bill to be entitled An act relating to trust funds; re-creating and renaming the Operations Trust Fund within the Department of Revenue; repealing s. 215.198(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Hays, by two-thirds vote **SB 1036** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

**SB 1042**—A bill to be entitled An act relating to trust funds; re-creating the Federal Grants Trust Fund within the Department of Highway Safety and Motor Vehicles without modification; repealing s. 20.241(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; providing an effective date.

—was read the second time by title. On motions by Senator Gaetz, by two-thirds vote **SB 1042** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and immediately certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

## SPECIAL ORDER CALENDAR

On motion by Senator Richter—

**CS for SB 142**—A bill to be entitled An act relating to negligence; amending s. 768.81, F.S.; defining the terms “negligence action” and “products liability action”; requiring the trier of fact to consider the fault of all persons who contributed to an accident when apportioning damages in a products liability action alleging an additional or enhanced injury; providing legislative intent to overrule a judicial opinion; providing a legislative finding that fault should be apportioned among all responsible persons in a products liability action; providing for retroactive application of the act; providing a legislative finding that the retroactive application of the act does not impair vested rights; providing an effective date.

—was read the second time by title.

## MOTION

On motion by Senator Simmons, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Simmons moved the following amendment which was adopted:

**Amendment 1 (506090) (with title amendment)**—Delete lines 73-77 and insert: *received by a claimant in an accident were enhanced by a defective product, the trier of fact shall consider the fault of all persons who contributed to the accident when apportioning fault between or among them. The jury shall be appropriately instructed by the trial judge on the apportionment of fault in products liability actions where there are allegations that the injuries received by the claimant in an accident were enhanced by a defective product. The rules of evidence apply to these actions.*

And the title is amended as follows:

Delete lines 7 and 8 and insert: *in a products liability action alleging an enhanced injury; requiring the jury instructions to apportion certain fault in a products liability action; providing the rules of evidence apply; providing legislative intent to*

## MOTION

On motion by Senator Simmons, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Simmons moved the following amendment:

**Amendment 2 (832304) (with title amendment)**—Delete lines 24-39 and insert:

(a) *“Accident” means the events and actions that relate to the incident as well as those events and actions that relate to the alleged defect or injuries, including enhanced injuries.*

(b) *“Economic damages” means past lost income and future lost income reduced to present value; medical and funeral expenses; lost support and services; replacement value of lost personal property; loss of appraised fair market value of real property; costs of construction repairs, including labor, overhead, and profit; and any other economic loss that which would not have occurred but for the injury giving rise to the cause of action.*

(c) *“Negligence action” means, without limitation, a civil action for damages based upon a theory of negligence; strict liability; products liability; or professional malpractice, whether couched in terms of contract, tort, or breach of warranty and like theories. The substance of an action, not conclusory terms used by a party, determines whether an action is a negligence action.*

(d) *“Products liability action” means a civil action based*

And the title is amended as follows:

Delete line 3 and insert: F.S.; defining the terms “accident,” “negligence action,” and

## MOTION

On motion by Senator Richter, by the required two-thirds vote, consideration of the following amendment was allowed:

Senator Richter moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A (113628)**—Delete lines 17-19 and insert: *action for damages based upon a theory of negligence, strict liability, products liability, professional malpractice whether couched in terms of contract or tort, or breach of*

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 142** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SM 214** was deferred.

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On motion by Senator Alexander, by unanimous consent—

**SB 298**—A bill to be entitled An act relating to municipal governing body meetings; creating s. 166.0213, F.S.; authorizing the governing bodies of certain municipalities to hold meetings within specified boundaries; providing an effective date.

—was taken up out of order and read the second time by title.

Pursuant to Rule 4.19, **SB 298** was placed on the calendar of Bills on Third Reading.

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**CS for SM 214**—A memorial to the Congress of the United States, urging Congress to support the tax-relief provisions of H.R. 5699 and S. 3934, initiated in the 111th Congress, or similar legislation, relating to the Deepwater Horizon Oil Spill of 2010.

WHEREAS, on April 20, 2010, an explosion occurred on the Deepwater Horizon oil drilling platform, allowing millions of gallons of crude oil to contaminate the waters of the Gulf of Mexico and the beaches and coastline of Florida, and

WHEREAS, the oil spill forced the closure of many areas of the Gulf of Mexico to commercial fishing, creating financial hardship for Floridians engaged in fishing and the related industries of seafood processing, seafood packaging, and the wholesale and retail sales of seafood, and

WHEREAS, the oil spill forced the closure of many miles of pristine, white, sandy public beaches in Florida, depositing tar balls and oily sheen on the beaches and threatening tidal marshes and bays elsewhere in Florida, and

WHEREAS, closure of the beaches and Gulf waters created financial hardships for the state’s hospitality industry, particularly in Northwest

Florida, during its most profitable time of the year, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That certain provisions of H.R. 5699 and S. 3934, initiated in the 111th Congress, or similar legislation, which address tax relief for affected businesses and individuals and which would be most beneficial to Floridians should be approved by Congress. These provisions are: exempting from federal taxation as income any insurance payouts arising from the oil spill and payments for damages attributable to the oil spill under s. 1002 of the Oil Pollution Act of 1990, 33 U.S.C. 2702, which were reinvested in the Oil Spill Recovery Zone; recognizing any taxpayer who has a qualified oil-spill loss as eligible to use the federal 5-year net operating loss carryback for federal tax purposes; exempting from federal taxation the housing stipends paid to persons who are employed in the cleanup efforts, and awarding a tax credit to employers who paid the stipends; awarding an Employee Retention Tax Credit to qualified employers in the affected Gulf Coast area; waiving the tax penalty on early withdrawals of certain retirement plans if the proceeds are used as specified; relaxing the cap on federal deductions for charitable contributions dedicated to the cleanup efforts; and awarding a Work Opportunity Tax Credit for the hiring of qualified recovery zone employees.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **CS for SM 214** was adopted and certified to the House.

**SM 216**—A memorial to the Congress of the United States, urging Congress to exempt from federal income tax payments made to victims of the Deepwater Horizon oil disaster and to extend the net operating loss carryback period from 2 years to 5 years.

WHEREAS, there was an explosion at the Deepwater Horizon oil rig the night of April 20, 2010, and

WHEREAS, the explosion caused hundreds of millions of gallons of oil to spill into the Gulf of Mexico and wash up on the coastlines of the five Gulf Coast states, and

WHEREAS, this man-made disaster has spoiled Florida's coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs and business for Floridians, and

WHEREAS, in June 2010, a preliminary study by the University of Central Florida predicted job losses of 195,000 and spending losses of \$10.9 billion if Florida's 23 counties along the Gulf Coast lose 50 percent of their tourism and leisure jobs and spending, and

WHEREAS, that preliminary study also predicted job losses of 39,000 and spending losses of \$2 billion if those same counties lose 10 percent of their tourism and leisure jobs and spending, and

WHEREAS, under the Oil Pollution Act of 1990 and other applicable laws, BP has been designated as a responsible party and is accountable for processing and paying all costs and applicable damages incurred by individuals, businesses, the state, and local governments as a result of the disaster, and

WHEREAS, in late August, a neutral fund administrator took over claims for costs and damages incurred as a result of the oil discharges due to the Deepwater Horizon oil disaster through the Gulf Coast Claims Facility, to be paid from an escrow account to which BP has agreed to contribute \$20 billion over a 4-year period, and

WHEREAS, the Gulf Coast Claims Facility evaluates claims for removal and clean-up costs, damage to real or personal property, lost earnings or profits, loss of subsistence use of natural resources, or physical injury or death, and

WHEREAS, the Internal Revenue Service has determined that claims paid for lost wages, income, and profits, as well as claims paid for certain property damage, are subject to federal income tax, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the Legislature requests the United States Congress to enact legislation that:

(1) Exempts from federal income tax those claim payments made to individuals and businesses as a result of the Deepwater Horizon oil disaster for:

(a) Lost wages, income, and profits; and

(b) Property damage.

(2) Allows fishing- and tourism-related businesses to carry back their net operating losses from the oil disaster for an additional 3 taxable years.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 216** was adopted and certified to the House.

**SM 218**—A memorial to the Congress of the United States, urging Congress to dedicate penalties collected from parties responsible for the Deepwater Horizon oil disaster to repairing the environmental and economic damage caused by the disaster.

WHEREAS, on the night of April 20, 2010, there was an explosion at the Deepwater Horizon oil rig which caused at least 170 million gallons of oil to spill into the Gulf of Mexico over the course of several months and wash up onto the coastlines of the five Gulf states, and

WHEREAS, this man-made disaster spoiled portions of Florida's coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs and business for Floridians, and

WHEREAS, a preliminary study by the University of Central Florida predicted job losses of 195,000 and spending losses of \$10.9 billion if Florida's 23 counties along the Gulf Coast lose 50 percent of their tourism and leisure jobs and spending, and

WHEREAS, that preliminary study also predicted job losses of 39,000 and spending losses of \$2 billion if those same counties lose 10 percent of their tourism and leisure jobs and spending, and

WHEREAS, despite clean-up efforts, oil remains buried in the sand on the Gulf states' coastlines and in the waters offshore, and

WHEREAS, the amount of oil remaining in the Gulf waters is still unknown and some researchers have discovered oil below the sea's surface, including on the ocean floor, and

WHEREAS, although seafood caught off of Florida's coast is safe to eat and approximately 90 percent of the fishing closures in federal waters have been lifted, the long-term effect on the Gulf's sea life is still unknown, and

WHEREAS, under current law, any civil penalties recovered pursuant to the Clean Water Act must be deposited into the Oil Spill Liability Trust Fund to be used for clean-up and response efforts for future oil spills, and

WHEREAS, United States Secretary of the Navy, Ray Mabus, recommended that Congress dedicate a significant portion of any civil penalties recovered under the Clean Water Act to providing assistance



for the region where the damage from the disaster occurred, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the Legislature requests the United States Congress to enact legislation that permits any civil penalties recovered under the Clean Water Act due to the Deepwater Horizon oil disaster to be distributed in the following manner:

(1) Deposited into a newly created Gulf Coast Recovery Fund, which is managed by a Gulf Coast Recovery Council and used to provide assistance for long-term environmental and economic recovery in the Gulf;

(2) Directed to the five Gulf states to enable each state to pursue its own recovery efforts; and

(3) Deposited into the Oil Spill Liability Trust Fund for future recovery efforts.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 218** was adopted and certified to the House.

**SM 220**—A memorial to the Congress of the United States, urging Congress to enact a law providing unemployment assistance for individuals who become unemployed as a result of an oil spill.

WHEREAS, there was an explosion at the Deepwater Horizon oil rig the night of April 20, 2010, and

WHEREAS, the explosion caused hundreds of millions of gallons of oil to spill into the Gulf of Mexico and wash up on the coastlines of the five Gulf states, and

WHEREAS, this man-made disaster has spoiled Florida's coastline and waterways and devastated its fishing and tourism industries, and

WHEREAS, this man-made disaster has directly resulted in the loss of jobs for Floridians, and

WHEREAS, many of these individuals were self-employed or independent contractors, and as such do not qualify for unemployment compensation benefits, and

WHEREAS, the federal Disaster Unemployment Assistance Program benefits individuals who become unemployed only as a direct result of a disaster declared by the President of the United States pursuant to the Robert T. Stafford Disaster Relief and Emergency Act of 1974, and assistance paid under the act may be invoked only for natural disasters, NOW, THEREFORE,

*Be It Resolved by the Legislature of the State of Florida:*

That the Legislature requests the United States Congress to enact legislation that creates an Oil Spill Unemployment Assistance Program to provide income assistance to individuals who are unemployed as a result of a spill of national significance and who are not entitled to any other unemployment compensation, the cost of which shall be borne by responsible parties under the Oil Pollution Act.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time in full. On motion by Senator Gaetz, **SM 220** was adopted and certified to the House.

On motion by Senator Gaetz—

**CS for CS for CS for SB 248**—A bill to be entitled An act relating to economic recovery from the Deepwater Horizon disaster; amending s. 14.2015, F.S.; defining the term “Disproportionally Affected County”; creating a process for the Office of Tourism, Trade, and Economic Development to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Office of Tourism, Trade, and Economic Development to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term “Disproportionally Affected County”; providing an appropriation to the Office of Tourism, Trade, and Economic Development to contract with Florida's Great Northwest, Inc., in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term “Disproportionally Affected County”; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Office of Tourism, Trade, and Economic Development as the lead agency for funds designated for economic incentives and diversification efforts; authorizing the holder of a lease of sovereignty submerged lands to apply to the Department of Environmental Protection for the payment or the reimbursement of lease fees for the period of the state of emergency for the Deepwater Horizon oil spill; specifying conditions for eligibility; requiring an application to the Department of Environmental Protection; requiring the Chief Financial Officer to use the full extent of the law to recover payments from the responsible party or other independently administered claims process; providing a short title for certain sections of the act; providing an effective date.

—was read the second time by title.

**SENATOR FASANO PRESIDING**

**THE PRESIDENT PRESIDING**

Pursuant to Rule 4.19, **CS for CS for CS for SB 248** was placed on the calendar of Bills on Third Reading.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 136** and **SB 640** were withdrawn from the committees of reference and further consideration.

On motion by Senator Sachs, by two-thirds vote **SB 802** was withdrawn from the committees of reference and further consideration.

On motion by Senator Thrasher, by two-thirds vote **SB 1846** was withdrawn from the committees of reference and further consideration.

On motion by Senator Thrasher, by two-thirds vote **SB 1322** was withdrawn from the Committee on Governmental Oversight and Accountability and referred to the Committees on Rules Subcommittee on Ethics and Elections; Rules; and Budget; **SB 1360** was withdrawn from the Committee on Commerce and Tourism and referred to the Committees on Banking and Insurance; Regulated Industries; and Budget; **SJR 1672** was withdrawn from the Committee on Rules Subcommittee on Ethics and Elections and referred to the Committees on Judiciary; Rules Subcommittee on Ethics and Elections; Rules; and Budget; **SB 1750** was withdrawn from the Committees on Health Regulation; and Criminal Justice and referred to the Committees on Banking and Insurance; and Budget; and **SB 1758** was withdrawn from the Committee on Health Regulation and referred to the Committees on Agriculture; Community Affairs; and Budget.

## REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Trust Fund Bill Calendar for Tuesday, March 15, 2011: SB 1038, SB 1040, SB 1030, SB 1044, SB 1012, SB 1014, SB 1016, SB 1018, SB 1020, SB 1022, SB 1024, SB 1026, SB 1028, SB 1032, SB 1034, SB 1036, SB 1042.

Respectfully submitted,  
*John Thrasher, Chair*

Pursuant to Rule 4.17(1), the Special Order Calendar Group submits the following bills to be placed on the Special Order Calendar for Tuesday, March 15, 2011: CS for SM 214, SM 216, SM 218, SM 220, CS for CS for SB 248, SB 298.

Respectfully submitted,  
*John Thrasher, Chair*

The Committee on Health Regulation recommends the following pass: SB 1414

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 138; SB 586; SB 912

The Committee on Community Affairs recommends the following pass: SB 510; SB 634; SB 638

The Committee on Criminal Justice recommends the following pass: SB 118; CS for SB 246

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 636

The Committee on Health Regulation recommends the following pass: SB 446

The Committee on Judiciary recommends the following pass: CS for SB 400

**The bills contained in the foregoing reports were referred to the Committee on Budget under the original reference.**

The Committee on Judiciary recommends the following pass: SM 954

**The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 1164

The Committee on Community Affairs recommends the following pass: SB 994 with 1 amendment

**The bills contained in the foregoing reports were referred to the Committee on Commerce and Tourism under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 1226

**The bill was referred to the Committee on Criminal Justice under the original reference.**

The Committee on Communications, Energy, and Public Utilities recommends the following pass: SB 770; SB 772

**The bills were referred to the Committee on Environmental Preservation and Conservation under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends the following pass: SB 1192

**The bill was referred to the Committee on Health Regulation under the original reference.**

The Committee on Health Regulation recommends the following pass: SB 626

**The bill was referred to the Committee on Higher Education under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 1144

The Committee on Criminal Justice recommends the following pass: SB 240; SB 888 with 1 amendment; SB 1092

The Committee on Health Regulation recommends the following pass: SJR 1538

**The bills contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

The Committee on Governmental Oversight and Accountability recommends the following pass: SM 358

**The bill was referred to the Committee on Rules under the original reference.**

The Committee on Judiciary recommends the following pass: CS for SB 146; SB 344

**The bills were placed on the Calendar.**

The Committee on Higher Education recommends a committee substitute for the following: SB 1194

**The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 516; SB 1412

The Committee on Community Affairs recommends a committee substitute for the following: SB 830

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Accountability under the original reference.**

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The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1366

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1086

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Health Regulation under the original reference.**

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The Committee on Community Affairs recommends a committee substitute for the following: SJR 658

The Committee on Criminal Justice recommends committee substitutes for the following: SB 234; SB 438

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

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The Committee on Health Regulation recommends a committee substitute for the following: SB 1228

**The bill with committee substitute attached was referred to the Committee on Military Affairs, Space, and Domestic Security under the original reference.**

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The Committee on Community Affairs recommends a committee substitute for the following: SB 582

**The bill with committee substitute attached was referred to the Committee on Regulated Industries under the original reference.**

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The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1140

**The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.**

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The Committee on Judiciary recommends the following not pass: SB 262

**The bill was laid on the table.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Criminal Justice; and Senators Evers, Dockery, Lynn, Hays, Norman, Negron, and Garcia—

**CS for SB 234**—A bill to be entitled An act relating to firearms; amending s. 790.06, F.S.; providing that a person in compliance with the terms of a concealed carry license may carry openly notwithstanding specified provisions; allowing the Division of Licensing of the Department of Agriculture and Consumer Services to take fingerprints from concealed carry license applicants; providing that concealed carry licenses shall not be prohibited from carrying or storing a firearm in a vehicle for lawful purposes; repealing s. 790.28, F.S., relating to the purchase of rifles and shotguns in contiguous states; amending s. 790.065, F.S.; providing that specified provisions do not apply to certain firearms transactions by a resident of this state which take place in another state; providing an effective date.

By the Committee on Criminal Justice; and Senator Hill—

**CS for SB 438**—A bill to be entitled An act relating to injunctions for protection against domestic violence, repeat violence, sexual violence, or dating violence; amending ss. 741.30 and 784.046, F.S.; subject to available funding, directing the Florida Association of Court Clerks and Comptrollers to develop an automated process by which a petitioner for an injunction for protection may request notification of service of the injunction or notice of other court actions related to the injunction; requiring that notice be given to the petitioner within a specified time; providing for the content of the notice; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Garcia—

**CS for SB 516**—A bill to be entitled An act relating to autism; creating the Autism Spectrum Disorder Study Committee to study autism spectrum disorder in families in which English is the second language; providing for membership, meetings, and duties; prohibiting committee members from receiving compensation for their services; authorizing certain funding for publications, subject to approval of the State Surgeon General; requiring a report to the Governor and Legislature; providing for expiration of the committee; providing an effective date.

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By the Committee on Community Affairs; and Senator Detert—

**CS for SB 582**—A bill to be entitled An act relating to local business taxes; amending s. 205.022, F.S.; defining the term “independent contractor”; creating s. 205.066, F.S.; exempting an individual engaging in or managing a business in an individual capacity as an employee from requirements related to local business taxes; specifying that an individual licensed and operating as a broker associate or sales associate is an employee; specifying that an independent contractor is not an employee; prohibiting a local governing authority from holding an exempt employee liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or requiring an exempt employee to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt; amending s. 205.194, F.S.; requiring a person applying for or renewing a local business tax receipt to engage in or manage any business or occupation regulated by a state agency to exhibit proof of an active registration or license; providing for online renewals; deleting obsolete provisions; deleting a requirement that the Department of Business and Professional Regulation provide certain professional regulation information to local officials who issue business tax receipts; deleting a provision prohibiting a local official who issues business tax receipts from renewing a license under certain circumstances; providing an effective date.

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By the Committee on Community Affairs; and Senator Fasano—

**CS for SJR 658**—A joint resolution proposing amendments to Sections 4 and 6 of Article VII and the creation of Sections 32 and 33 of Article XII of the State Constitution to prohibit increases in the assessed value of homestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, and application and limitations with respect thereto, and provide effective dates.

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By the Committee on Community Affairs; and Senators Thrasher and Gaetz—

**CS for SB 830**—A bill to be entitled An act relating to labor and employment; amending s. 110.114, F.S.; prohibiting a state agency from deducting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; amending s. 112.171, F.S.; prohibiting a county, municipality, or other local governmental entity from deducting from employee wages the dues, uniform assess-

ments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; creating s. 447.18, F.S.; prohibiting labor organizations from collecting dues, assessments, fines, or penalties without written authorization; providing for a refund to employees who have not given a written authorization in certain situations; requiring that the labor organization provide notice of such contributions and expenditures; prohibiting a labor organization from requiring an employee to authorize the collection of funds for political contributions and expenditures as a condition of membership in the organization; amending s. 447.303, F.S.; prohibiting a public employer from deducting or collecting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization; amending s. 447.507, F.S., relating to violation of the strike prohibition; conforming provisions to changes made by the act; providing for severability; providing for prospective application; providing an effective date.

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By the Committee on Criminal Justice; and Senator Hill—

**CS for SB 1086**—A bill to be entitled An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; providing that a doctor, nurse, or other health care professional treating the prisoner may request that restraints not be used, in which case the corrections officer or other official accompanying the prisoner shall remove all restraints; requiring that any restraint applied must be done in the least restrictive manner necessary; requiring the corrections official to make written findings within 10 days as to the extraordinary circumstance that dictated the use of restraints; restricting the use of waist, wrist, or leg and ankle restraints during the third trimester of pregnancy or when requested by a doctor, nurse, or other health care professional treating the prisoner; providing that the use of restraints at any time after it is known that a prisoner is pregnant must be by the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences; requiring that the findings be kept on file by the correctional institution or detention facility for at least 5 years and be made available for public inspection under certain circumstances; authorizing any woman who is restrained in violation of the act to file a complaint within a specified period; providing that these remedies do not prevent a woman harmed from filing a complaint under any other relevant provision of federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring correctional institutions and detention facilities to inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution or detention facility; requiring the Secretary of Corrections, the Secretary of Juvenile Justice, and county and municipal corrections officials to annually file written reports with the Executive Office of the Governor detailing each incident of restraint in violation of law or as an authorized exception; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Sachs—

**CS for SB 1140**—A bill to be entitled An act relating to child care facilities; providing a short title; amending s. 402.305, F.S.; requiring vehicles used by child care facilities and large family child care homes to be equipped with an alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle; requiring the Department of Children and Family Services to adopt rules and maintain a list of approved alarm systems; providing an effective date.

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By the Committee on Higher Education; and Senator Oelrich—

**CS for SB 1194**—A bill to be entitled An act relating to postsecondary education; amending s. 1004.68, F.S.; deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills; amending s. 1007.01, F.S.; providing legislative intent and requirements relating to articulation; requiring the establishment of the Articulation Coordinating Committee and providing its responsibilities; amending s. 1007.25, F.S.; deleting provisions relating to the CLAST and authorized examinations that demonstrate mastery of

certain academic competencies; revising degree requirements; amending ss. 1007.264 and 1007.265, F.S.; deleting provisions that exclude students with intellectual disabilities from eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution; amending s. 1008.30, F.S.; revising requirements of the common placement testing program; requiring access to approved remedial instruction; requiring rules for remediation opportunities, retesting, and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs; amending s. 1008.345, F.S.; deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills; amending s. 1008.38, F.S.; revising and conforming provisions relating to the articulation process; amending s. 1009.534, F.S.; revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award; amending ss. 1001.64 and 1011.30, F.S.; removing provisions requiring that a budget of a community college be transmitted to the Department of Education for approval; amending ss. 467.009 and 1012.56, F.S.; deleting provisions relating to the CLAST; repealing s. 6 of chapter 2006-58, Laws of Florida; abrogating the repeal of s. 1004.226, F.S., which created the 21st Century World Class Scholars Program; providing an effective date.

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By the Committee on Health Regulation; and Senator Altman—

**CS for SB 1228**—A bill to be entitled An act relating to temporary certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

**CS for SB 1366**—A bill to be entitled An act relating to administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; amending s. 402.7306, F.S.; requiring the Department of Children and Family Services, the Department of Health, the Agency for Persons with Disabilities, the Agency for Health Care Administration, community-based care lead agencies, managing entities, and their contracted monitoring agents to adopt certain revised policies for the administrative monitoring of providers of child welfare services, mental health services, and substance abuse services; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Storms—

**CS for SB 1412**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 20.04, F.S.; changing the name of the department to the Department of Children and Families; authorizing the department to establish circuits and regions headed by circuit administrators and regional directors; amending s. 20.19, F.S.; revising provisions relating to the establishment of the department; providing for operating units known as circuits and regions based on judicial circuits; deleting provisions relating to the program directors for mental health and substance abuse, the service districts, the membership of community alliances, and the prototype region; amending ss. 20.43, 39.01, and 394.78, F.S.; conforming cross-references; repealing s. 402.35, F.S., relating to the application of Department of Management Services' rules; amending s. 420.622, F.S.; deleting the requirement for the Governor to appoint an executive director to the State Office on Homelessness; providing for legislation to conform the Florida Statutes to changes made by the act; providing an effective date.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of March 11 and March 14 were corrected and approved.

**CO-INTRODUCERS**

Senators Braynon—CS for SB 146; Bullard—CS for SB 146; Fasano—SB 1184; Flores—SB 1110; Gaetz—SB 1590, SB 1872; Hill—CS for SB 146; Jones—SCR 286; Joyner—CS for SB 146, CS for SB 400; Latvala—CS for SB 650, SB 832; Negron—SB 130, SB 508; Siplin—CS for SB 146; Sobel—SB 626; Thrasher—SB 1524

Senator Hays withdrew as introducer of SB 1830. Senator Wise was recorded as introducer of SB 1830.

Senator Braynon withdrew as introducer of SB 2026. Senator Sachs was recorded as introducer of SB 2026.

**RECESS**

On motion by Senator Thrasher, the Senate recessed at 11:52 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, March 16 or upon call of the President.

# JOURNAL OF THE SENATE

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March 15, 2011

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CR — Committee Report

CS — Committee Substitute, First Reading  
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RC — Reference Change

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